

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALICE KELLY PATTERSON, etc., et al.,

Plaintiffs,

- v -

BROWNSVILLE MULTI SERVICE
FAMILY HEALTH CENTER, et al.,

Defendants.

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**ORDER OF REMAND
TO STATE COURT**

CV-05-1303 (NG) (VP)

This action was initially brought in the Supreme Court of the State of New York, Kings County, and removed to this court by the United States pursuant to 28 U.S.C. § 2679(d) and 42 U.S.C. § 233(c) on the ground that the United States was the proper party to be sued instead of the defendant Brownsville Multi Service Family Health Center (“Brownsville”). Thereafter, by stipulation, the United States was formally substituted for Brownsville and the United States and Brownsville were dismissed as defendants in this action without prejudice. By stipulation submitted to the court today, the remaining parties agree that with the dismissal of the United States and Brownsville, this court no longer enjoys subject matter jurisdiction to adjudicate the matter and consent to the remand of the action to the state court whence it was removed. Counsel have further expressly consented to the entry of the remand order by this magistrate judge. Accordingly, pursuant to 28 U.S.C. § 1447(c),

IT IS HEREBY ORDERED that this action be, and it hereby is, REMANDED to the Supreme Court of the State of New York, New York County.

The clerk is directed to undertake the necessary certifications and notifications.

SO ORDERED:

Viktor V. Pohorelsky
VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
July 1, 2005